

**IN THE UNITED STATE DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**In re: NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

**THIS DOCUMENT RELATES TO:  
“Case Track Two”**

MDL No. 2804

Case No. 1:17-md-2804

Judge Dan Aaron Polster

**PLAINTIFF CITY OF HUNTINGTON, WEST VIRGINIA  
RESPONSES AND OBJECTIONS TO  
DISTRIBUTOR DEFENDANTS’ FIRST SET OF INTERROGATORIES**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, the Case Management Order in *In re National Prescription Opiate Litigation* (Dkt. No. 232 in No.:17-cv-2804), ESI Protocol entered in this matter and Discovery Orders issued by this Court, the City of Huntington, West Virginia (“Plaintiff”) hereby responds to Distributor Defendants’<sup>1</sup> First Set of Interrogatories (the “Interrogatories” and, each individually, an “Interrogatory”), as follows:

**PRELIMINARY STATEMENT AND OBJECTIONS**

Plaintiff objects to each Interrogatory to the extent that it seeks information that is proprietary or confidential or that is protected from discovery as attorney work product and attorney-client communication, information gathered or prepared in anticipation of litigation, the public interest privilege, law enforcement privilege, public official privilege, and/or by any other privilege or immunity from disclosure (collectively, “Privileged Information”). As discovery is

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<sup>1</sup> For purposes of these Responses, “Distributor Defendants” or “Distributors” refers to the following entities who served collective requests on October 25, 2019: AmerisourceBergen Drug Corporation, Cardinal Health, Inc., H.D. Smith Corporation, and McKesson Corporation.

ongoing, these responses are necessarily limited in nature, and reflect only that information known to Plaintiff at this time. Plaintiff reserves the right to supplement, revise, correct, or clarify its responses and objections consistent with further investigation and discovery and in the event that additional information becomes available. Plaintiff is willing to meet and confer regarding its responses to Defendants' Interrogatories. Plaintiff's responses are made without waiving its right to object (on the grounds of relevancy, hearsay, materiality, competency or any other ground) to the use of its responses in any subsequent stage or proceeding in this action or any other action.

### **SPECIFIC RESPONSES AND OBJECTIONS**

#### **Interrogatory 1**

Identify every Person likely to have discoverable information related to Your claims, including, but not limited to, every Person upon whom You intend to rely in proving Your claims on summary judgment or at trial, and every Person likely to have discoverable information that supports or contradicts a position or claim that You have taken or intend to take in this action. For each Person named in response to this Interrogatory, state the subject matter of the information possessed by that Person, identify his or her current and, if relevant, former employment and job title(s), and identify any statements and/or declarations by that Person of which You are aware.

#### **Response 1**

Plaintiff objects to this interrogatory as overly-broad as drafted. Plaintiff objects in that this Interrogatory asks for witness lists in advance of the completion of discovery in that it asks for the identification of "every Person" that has discoverable information about Plaintiffs claims. Read literally, this Interrogatory could include every employee of each of the Defendants and numerous third parties around the country. The following responses include persons with discoverable information applicable to Plaintiff's claims. At the completion of fact discovery and

expert discovery, Plaintiff anticipates, in accordance to a scheduling order and pre-trial deadlines, it will provide final witness and expert lists. Subject to and without waiving all objections, Plaintiff answers as follows: The following Persons are likely to have discoverable information:

<b>Name</b>	<b>Relevant Position</b>
Bryan Chambers	City of Huntington Communications Director
Kathy Moore	City of Huntington Finance Director
Jan Rader	City of Huntington Fire Chief; former member of Mayor's Office of Drug Control Policy
Justin Antle	City of Huntington Fire Deputy Chief
Ray Canafax	City of Huntington Fire Deputy Chief
Jim Johnson	City of Huntington Former Director of Mayor's Office of Drug Control Policy
Brandon White	City of Huntington Former IT Director
Krishawna Harless	City of Huntington Former Mental Health Liaison/LEAD Coordinator; Wayne County Board of Education Former First Responder (HPD and HFD) and Former LEAD (Law Enforcement Assistant Diversion) Wellness Coordinator; Currently Wayne County Board of Education Itinerant School Based Social Worker
Rocky Johnson	City of Huntington Former Police Captain
Sherry Lewis	City of Huntington Human Resources Director
Kohson Perkins	City of Huntington IT Director
Steve Williams	City of Huntington Mayor
Scott Lemley	City of Huntington Planning and Development Director; former member of Mayor's Office of Drug Control Policy
Breanna Shell	City of Huntington Planning Director
Paul Hunter	City of Huntington Police Captain and Supervisor of Drug Task Force

<b>Name</b>	<b>Relevant Position</b>
Ray Cornwell	City of Huntington Police Captain
Dan Underwood	City of Huntington Police Captain, Administrative Bureau
Hank Dial	City of Huntington Police Chief
Stephanie Coffey	City of Huntington Police Corporal; QRT member
Craig Preece	City of Huntington Police Detective
Ernie Blackburn	City of Huntington Police Detective
Paul Minigh	City of Huntington Police Sergeant
Jim Insko	City of Huntington Public Works Director
Kim Bailey	City of Huntington Purchasing Director
Ryan Saxe	City of Huntington Superintendent of Cabell County Board of Education
Cathy Burns	Huntington Municipal Development Authority Executive Director; Former/Acting City Manager, City of Huntington
Patricia Keller	Cabell County 6th Circuit Family Court Judge, Drug Court Founder
Josh Parlier	Cabell County Drug Court Drug Court Coordinator
Gordon Merry	Cabell County Emergency Medical Services (CCEMS) Director, Cabell County Emergency Medical Services (CCEMS)
Connie Priddy	Cabell County EMS Compliance Officer/QRT Coordinator
Timothy Hazelett	Cabell County Health Department Administrator
Sara Murray	Cabell Huntington Hospital Nurse Manager for the NeoNatal Therapeutic Unit
Jessica Auffant	Cabell Huntington Hospital Nurse Practitioner and Coordinator of MOMS Program
Vanessa Bartholomew	Cabell Huntington Hospital Project Engage Addiction Treatment Specialist

<b>Name</b>	<b>Relevant Position</b>
Michelle Perdue	Cabell-Huntington Health Department Harm Reduction Coordinator
Elizabeth Adkins	Cabell-Huntington Health Department Health and Wellness Director, Public Info Officer & Public Health Educator, Cabell-Huntington Health Department
Michael Kilkenny	Cabell-Huntington Health Department Physician Director, Cabell-Health Health Department
Matt Boggs	Alermes, former Executive Director of Recovery Point
Thomas Prevoznik	DEA Associate Section Chief for Pharmaceutical Investigations Section of Diversion Control Division
Demetra Ashley	DEA Former Acting Assistant Administrator
Michael Mapes	DEA Former Diversion Investigator
Joseph Rannazzisi	DEA Former Head of Office of Diversion Control
Ronald Buzzeo	DEA Independent Consultant & Former Deputy Office of Diversion Control
Stacy Harper-Avila	DEA Section Chief on Quotes
Matthew Strait	DEA Senior Policy Advisor
Kyle Wright	DEA Staff Coordinator Regulatory Section
Patrick Kelly	HDA/HDMA Executive Vice President of Governmental Affairs
Perry Fri	HDA/HDMA Executive Vice President of Industry Relations
Anita Ducca	HDA/HDMA Senior Vice President of Regulatory Affairs
John Parker	HDA/HDMA Senior Vice President, Communications
Rhonda Edmunds, RN	Lily's Place Director of Nursing
Rebecca Crowder	Lily's Place Executive Director

<b>Name</b>	<b>Relevant Position</b>
Sean Loudin	Lily's Place Associate Professor, Neonatal-Perinatal Medicine; Medical Director of Lily's Place, a Neonatal Abstinence Syndrome Center
Sarah Setran, PSYD	Marshall University Clinical Psychologist; Maternal Opiate Management Support (MOMS) Program Developer
Robert Hanson	Marshall Health Director of Addiction Services
Conrae Lucas-Adkins	Marshall University Assistant Professor for the School of Psychology
Kelly Cummings, MD, FACOG	Marshall University Assistant Professor Maternal Fetal Medicine Specialist
Stephen M. Petrany	Marshall University Chair of Family & Community Health, MU School of Medicine
Ashley Shaw	Marshall University CORE Project Director
Amy Saunders	Marshall University Director of Marshall University Center of Excellence for Recovery
Amanda Patrick	Marshall University Family Navigator for Healthy Connections
Tina Ramirez	Marshall University Great Rivers Regional System for Addiction Care Director
Charles "CK" Babcock	Marshall University Harm Reduction Naloxone Education
Kevin Yingling	Marshall University Internal Medicine, Joan C. Edwards School of Medicine; Former Dean of MU School of Pharmacy
Mitzi Payne	Marshall University Pediatric Neurologist
Michael Haney	Marshall University PROACT Director
Beth Welsh	Marshall University PROACT Manager
David Chaffin, MD, FACOG	Marshall University Professor Maternal Fetal Medicine Specialist
Lyn O'Connell	Marshall University Project Hope Associate Director of Community Services
Jessica Tackett	Marshall University Project Hope Program Director

<b>Name</b>	<b>Relevant Position</b>
Jodi Maiolo	Marshall University Special Projects Coordinator, MU Health: Division of Addiction Sciences
Unnamed Employees	National Association of Chain Drug Stores (“NACDS”)
David Wolfe	PROACT and Valley Health Systems, Inc Lead Addiction Psychologist
Zach Hansen	PROACT Medication Assisted Treatment (MAT) Medical Director at PROACT (Provider Response Organization for Addiction Care and Treatment) and Valley Health Systems’ family practice
Crystal Welch	Quality Insights Media and Marketing for Healthy Connections
Greg Perry	Recovery Point West Virginia Recovery Point of Huntington Director of Recovery Support Services
Taucha Miller	St. Mary's Medical Center Addiction Specialist and Opioid Addiction Program Coordinator
Allen Mock	State of West Virginia Chief Medical Examiner
Carol Bailey	United Way of the River Cities Executive Director
Angie Saunders	United Way of the River Cities Prevention Empowerment Partnership (CCSAPP) Director
April Baisden, MD	Valley Health Psychiatrist
Steven Little	WV Dept. Health & Human Resources Preaching Pastor at City Church, Huntington WV; State Office of Drug Control Policy, WV Dept. Health & Human Resources
Clay Saunders	AmerisourceBergen Corporation Buyer
Debbi Kranz	AmerisourceBergen Corporation Compliance Manager
Edward Hazewski	AmerisourceBergen Corporation Corporate Security & Regulatory Affairs
Eric Cherveney	AmerisourceBergen Corporation Director of Diversion Control & Security
Rick Salazar	AmerisourceBergen Corporation Director, Brand Development and Director, Strategic Purchasing
Nathan Elkins	AmerisourceBergen Corporation District Director

<b>Name</b>	<b>Relevant Position</b>
Marcelino Guerreiro	AmerisourceBergen Corporation Diversion Control Analyst
Elizabeth Garcia	AmerisourceBergen Corporation Former Corporate Investigator
Jill Jackson	AmerisourceBergen Corporation Sales for Cabell County
Mike Dailey	AmerisourceBergen Corporation Sales for Cabell County
Rita Norton	AmerisourceBergen Corporation Senior Vice President Government Affairs
Chris Zimmerman	AmerisourceBergen Corporation Senior Vice President, Corporate Security and Regulatory Affairs
David May	AmerisourceBergen Corporation Vice President, Corporate Security and Diversion Control
Steve Mays	AmerisourceBergen Corporation Vice President, Regulatory Affairs
Richard Metzger	AmerisourceBergen Director of Sales Operations
James Jackson, Jr.	AmerisourceBergen Corporation Sales Department and Customer Operations
Michael Perry	AmerisourceBergen Corporation Sales for Cabell County
Craig Morford	Cardinal Health Chief Legal & Compliance Officer
Gilberto Quintero	Cardinal Health Chief Quality & Regulatory Affairs Officer
Linden Barber	Cardinal Health Chief Regulatory Counsel and Senior Vice President at Cardinal Health
Melissa Schrebe	Cardinal Health Compliance Officer for the Wheeling Distribution Center.
Mike Kauffman	Cardinal Health Current CEO and Former CFO
Eric Brantley	Cardinal Health Director of Compliance/Compliance Officer
Craig Baranski	Cardinal Health Director of Operations
Christopher Forst	Cardinal Health Director of Quality Regulatory Assurance



<b>Name</b>	<b>Relevant Position</b>
George Barrett	Cardinal Health Former Chief Executive Officer
Douglas Emma	Cardinal Health Manager, QRA Supply Chain Integrity
Steve Morse	Cardinal Health Quality & Regulatory Manager
Steve Lawrence	Cardinal Health Senior Vice President Independent Sales
Mart Hartman	Cardinal Health Senior Vice President of Supply Chain Integrity
Robert Giacalone	Cardinal Health Senior Vice President Regulatory Affairs at Cardinal Health
Jennifer Norris	Cardinal Health Vice President Associate General Counsel
Michael Mone	Cardinal Health Vice President Associate General Counsel
Nick Rausch	Cardinal Health Vice President of Strategic Sourcing
Todd Cameron	Cardinal Health Vice President of Quality Regulatory Assurance, Supply Chain Integrity
Steve Reardon	Cardinal Health Vice President of Quality Regulatory Assurance; currently self-employed as consultant
Sid Geller	Cardinal Health VP of Strategic Purchasing
John Hammergren	McKesson Chief Executive Officer
Ashley Clayborne	McKesson Director of Corporate Financial Planning and Analysis
Tracy Jonas	McKesson Director of Operational Excellence and former Director of Regulatory Affairs
Jim Klimek	McKesson Director of Operations
David Gustin	McKesson Director of Regulatory Affairs
Michael Oriente	McKesson Director of Regulatory Affairs
William Mahoney	McKesson Director of Regulatory Affairs

<b>Name</b>	<b>Relevant Position</b>
Gary Hillard	McKesson Director of Regulatory Affairs (former)
Kirsti Lawson	McKesson Director of Risk Management for Claims
Blaine Snider	McKesson Distribution Center Manager.
Michael Bishop	McKesson Former Implementation Consultant Contractor
Donald Walker	McKesson Former Senior Vice President of Distribution Operations.
David Graziano	McKesson Regional Director of New Business Development and Strategic Accounts
Karen Lewis	McKesson Regulatory Affairs Manager
Robert Iuzzolino	McKesson Regulatory Affairs Manager
John Kuczynski	McKesson Retail Sales Manager
Gene Cavacini	McKesson Senior Vice President and Chief Operating Officer for Pharmaceutical Distribution business
Peter Slone	McKesson Senior Vice President of Public Affairs
Jennifer Towsley	McKesson Vice President of Credit and Accounts Receivable Operations
Joseph Ganley	McKesson Vice President of Federal Government Affairs
Matt Collett	McKesson Vice President of Generics Sell Side
Nate Hartle	McKesson Vice President of Regulatory Affairs & Compliance
Gary Boggs	McKesson Vice President of Regulatory Affairs and Compliance at McKesson and former DEA official.
Tim Ashworth	McKesson West Virginia Sales Manager

This list is not intended to be an exhaustive description of all persons with knowledge or all knowledge held by a particular individual or type of individual regarding issues involved in the case. City of Huntington also incorporates Cabell County Commission's response to this interrogatory. Plaintiff specifically reserves the right to rely on other individuals for testimony in any trial in this action and is not limited to the individuals listed herein. Plaintiff reserves its right to amend, supplement or modify this response based on facts learned in discovery to date. Plaintiff will supplement this response once the information becomes available to Plaintiff, pursuant to the schedule laid out by the Court.

### **Interrogatory 2**

Identify each of Your past or present departments, agencies, subdivisions or other constituent entities, officials, employees, and representatives that possesses documents, data, or other information relating to the allegations of the Joint Third Amended Complaint, Dkt. No. 2595 ("TAC"), including, without limitation, the use, abuse, misuse, prescribing, dispensing, sale, distribution, addiction to, and/or diversion of Prescription Opioids and/or other opioids, any harms that You claim to have suffered, and/or the substantiation or quantification of any damages that You claim.

### **Response 2**

Plaintiff objects to this Interrogatory as overly broad and unduly burdensome to the extent that it requires Plaintiff to identify "each" of its "past or present departments, agencies, subdivisions or other constituent entities, officials, employees, and representatives that possesses documents, data, or other information relating to the allegations of the Joint Third Amended Complaint, Dkt. No. 2595 ("TAC")." Subject to and without waiving all objections, Plaintiff answers as follows:

<b>Department</b>	<b>Employees</b>
Mayor's Office	Steve Williams – Mayor Bryan Chambers – Communications Director Angie Bracey – Executive Assistant to the Mayor
Finance Division	Kathy Moore – Director
Legal Department	Scott Damron - City Attorney
Police Department	Hank Dial – Police Chief Captain Dan Underwood – Administrative Bureau Captain Rocky Johnson - Special Investigations Bureau Captain Ray Cornwell - Patrol Bureau Jim Johnson - Former Director of Mayor's Office of Drug Control Policy
Fire Department	Jan Rader - Fire Chief
Human Resources	Sherry Lewis – Director
Planning and Development	Scott Lemley – Director Breanna Shell - Planning Director
Information Technology	Kohson Perkins – Director Brandon White - Former IT Director
Purchasing Department	Kim Bailey – Director
Public Works Department	Jim Insko - Director

### **Interrogatory 3**

Identify each Person in Your entity, for each year of the Timeframe, who held the following positions or their equivalents: mayor, city manager, city clerk, city council member, county commissioner, county administrator, chief health officer, health department physician director, health department nursing director, health department administrator, county sheriff, chief of police, head of the city or county law enforcement narcotics unit, district attorney or other chief prosecutor, chief prosecutor for drug crimes, court clerk, drug court coordinator or administrator, emergency medical services director, 9-1-1 director, medical examiner, coroner, county assessor,

county clerk, finance director, budget director, planning and development director, city or county attorney, correctional facility warden or supervisor, fire chief, director of family and/or children's services, director of substance abuse treatment services, human resources director, members of any task forces or other entities former or used to address opioid abuse, and any other person whose work or other activities have concerned opioid use and abuse and/or any element of the damages that You allege. Include as part of Your response each Person's name, position, and period of time during which he or she held the position.

### **Response 3**

Plaintiff objects to this Interrogatory as overly broad and unduly burdensome to the extent that it requires Plaintiff to identify "each" of the subject Persons. Subject to and without waiving its objections, Plaintiff answers as follows:

<b>Position</b>	<b>Names/Years</b>
Mayor	Steve Williams (2013-present) Roger Kim Wolfe (2009-2012) David Felinton (2001-2008) Jean Dean (1993-2000)
City Manager/Director of Administration and Finance	Cathy Burns (2016-2019) Margaret Mary Layne (2014-2016) Brandi-Jacobs Jones (2007-2014) Jack Thornburg (2001-2007) David Harrington (1993-2001)
City Clerk	Barbara Miller
City Council Members	Term: 01/01/05 through 12/31/08 Mr. James Ritter Teresa Loudermilk Frances Jackson Mary Neely Sandra M. Clements Cal Kent Scott Caserta Kirk S. Gillenwater

Position	Names/Years
	<p> Jim Insko  AT-LARGE  Garry Black  Paul Farrell </p> <p> Term: 01/01/09 through 12/31/12  Mr. James Ritter  Teresa Loudermilk  Frances Jackson  Nate Randolph  Sandra M. Clements  Mark A. Bates  Scott Caserta  Russell "Russ" Houck  Jim Insko  AT-LARGE  Steve Williams  Rebecca Thacker </p> <p> Term: 01/01/2013 through 12/31/2016  Joyce Clark  Bill Rosenberger  Frances Jackson  Gary L. Bunn  Sandra M. Clements  Mark A. Bates  Scott Caserta  Tom McGuffin  John David Short  AT LARGE  Rebecca Thacker  David G. Ball </p> <p> Term: 01/01/2017 through 12/31/2020  Joyce Clark  Charlie McComas  Alex Vence  Jennifer Wheeler  Tonia Kay Page  Mark A. Bates  Mike Shockley  Tom McGuffin  Tina Brooks  AT LARGE </p>

<b>Position</b>	<b>Names/Years</b>
	Rebecca Thacker Carol Polan
Chief of Police	Hank Dial Joe Ciccarelli Skip Holbrook Gene Baumgardner
Head of City Law Enforcement Narcotics Unit	Sergeant Paul Hunter
Finance Director	Kathy Moore (2017-present) Pam Chandler (2015-2017) Deron Runyon (2009-2015) Robert Wilhelm (2001-2008) Glenn White (1987-2001)
Budget Director	Scott Arthur (2017-present) Rick Montgomery (2017-2017) Kathy Moore (2016-2017) Darla Bentley (2003- 2016)
Planning and Development Director	Scott Lemley
City Attorney	Scott Damron
Fire Chief	Jan Rader Carl Eastham C. Moore Craig Greg Fuller
Human Resources Director	Sherry Lewis (2001-present) James Bumgardner (Interim 2001) John Queen (2001) Russell Houck (1995-2001)
Task Force Members (Mayor's Office of Drug Control Policy)	Jim Johnson, Director (2014-2017) Jan Rader (2014-2017) Scott Lemley (2014-2017)

To the extent all positions and identities are not noted, Plaintiff will conduct a reasonable and diligent search for and, if such information is in Plaintiff's possession, custody, or control,

will identify such individuals. Plaintiff reserves the right to supplement, amend or modify this response as discovery proceeds.

**Interrogatory 4**

State the years during which You claim each Distributor Defendant engaged in conduct for which You seek damages or injunctive relief.

**Response 4**

Plaintiff incorporates by reference the allegations in its Joint Third Amended Complaint, Dkt. No. 2595 (“TAC”). Plaintiff’s investigation of its damages caused by each Distributor Defendant is ongoing and will be the subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with the Case Management Order and the Federal Rules of Civil Procedure. Subject to and without waiving its objections, Plaintiff responds that every year each Distributor Defendant distributed opioids is relevant, including but not limited to 2006 to 2014, the years for which the DEA has produced ARCOS transactional data. Plaintiff further responds that Distributors’ conduct was ongoing and continues to affect Plaintiff. Each Distributor’s misconduct with respect to its marketing and distribution practices is alleged with specificity in Plaintiff’s Joint Third Amended Complaint, Dkt. No. 2595 (“TAC”), which is incorporated herein by reference. To summarize upon information and belief, each of the Distributor Defendants failed to satisfy their duties pursuant to West Virginia and federal law by failing to implement adequate systems, policies and procedures that would track, identify, report, and stop shipment of suspicious orders for opioid prescription drugs. As a result, each Distributor Defendant fueled the opioid epidemic in the City of Huntington by pumping millions of opioids into Plaintiffs’ Community. Plaintiff reserves the right to supplement, amend or modify this



response as discovery proceeds, including but not limited to the production of Defendants' transactional data and due diligence files.

**Interrogatory 5**

State the date(s) and the manner in which You first became aware that Prescription Opioids were being abused within Your geographic boundaries, that Prescription Opioids were being diverted within Your geographic boundaries and/or by Your residents, and/or that addiction to Prescription Opioids was occurring and/or increasing within Your geographic boundaries.

**Response 5**

Plaintiff objects to this Interrogatory as vague and overbroad. It is unclear what information Defendants seek concerning knowledge of abuse, diversion and/or addiction. Moreover, it would be unduly burdensome and disproportionate to the needs of the case for Plaintiff to state a single date or date(s) and "the manner" in which each and every instance of "abuse," "diversion" or "addiction" of opioids occurred or occurring within Plaintiff's geographic boundaries became known to Plaintiff. Plaintiff also objects to this Interrogatory as vague and ambiguous as to the term "being abused." Plaintiff further objects to the term "awareness" as requiring speculation on the state of mind of the City of Huntington.

Subject to and without waiver of the foregoing objections, Plaintiff responds that, it has been made aware of individual instances of diversion and substance use disorder relating to opioids within its jurisdiction at different times, for example, through formal and informal reports to Plaintiff's employees. In 2009, the Cabell County Drug court designed a specialized model providing treatment for all ages. In November 2014 The Mayor's Office of Drug Control Policy (ODCP) was established by Mayor Steve Williams in response to the rising numbers of opioid overdoses a happening in Huntington, West Virginia. In the first six months of 2015, there were

474 overdoses in Huntington with 34 of them being fatal. In August 2015 the Mayor's office of Drug Control Policy published its Strategic Plan after reviewing data and conducting meetings with law enforcement, health care professionals, social service administrators, and educators, elected officials, clergy, community activists, recovering addicts and neighborhood groups.

As a result of Defendants' knowing and active concealment of the true nature of their conduct, Plaintiff lacked knowledge linking such instances to Defendants' improper distribution practices, including but not limited to the gross over-supply and flooding of Plaintiffs' Community with opioid pills, the nature of Defendants' conduct in its marketing and distribution practices, and Defendants' failure to report suspicious orders and/or monitor their distribution of opioids, despite holding themselves out to the public as being in compliance with their duties.

**Interrogatory 6**

State the maximum number of pills or other dosage units of Prescription Opioids that should properly have been distributed within Your geographic boundaries for legitimate medical purposes during each year of the Timeframe, and explain how You calculated that number. If You are unable to provide a number, explain how the number should be calculated and identify the input information that would be needed to calculate it and the source(s) from which that information may be obtained.

**Response 6**

Plaintiff objects to this Interrogatory to the extent the terms "legitimate medical purpose," and "other dosage units" is vague, ambiguous, and subject to varying interpretations. This Interrogatory is contention discovery more appropriately answered once discovery is complete. *See Fed. R. Civ. P. 33(a)(2)*. Plaintiff objects to the extent that this Interrogatory seeks information already in the possession of Defendants and third parties. Plaintiff states that it would be unduly

burdensome and wholly disproportionate to the needs of the case for Plaintiff to identify the “maximum number” of individual opioid pills or other dosage units of prescription opioids that “should properly” have been distributed in its geographic boundaries for “legitimate medical purposes” during the Timeframe. Plaintiff will not speculate or opine on the maximum number of pills that should have been distributed “for legitimate medical purposes” and this is not anticipated to be the subject of expert testimony.

As discovery is ongoing, should this information be deemed relevant, it could be the subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with this case’s Case Management Orders and the Federal Rules of Civil Procedure.

#### **Interrogatory 7**

State the number of pills or other dosage units of Prescription Opioids that were diverted from legitimate purposes within Your geographic boundaries, and the number of pills or other dosage units of Prescription Opioids that were dispensed for other than legitimate medical purposes within Your geographic boundaries for each year during the Timeframe, and describe how each number was calculated. If You are unable to provide a number, explain how the number should be calculated and identify the input information that would be needed to calculate it and the source(s) from which that information may be obtained.

#### **Response 7**

Plaintiff objects to this Interrogatory because the phrases “other dosage units” and “legitimate purposes” are vague, ambiguous, and subject to varying interpretations. Plaintiff also objects to this Interrogatory as it purports to require Plaintiff to create documents or gather data that it does not maintain in the ordinary course of business. Plaintiff further responds that this is

a contention interrogatory more appropriately answered, if at all, once discovery is complete. Plaintiff reserves the right to amend, supplement or modify this response as discovery proceeds.

Subject to and without waiving all objections, Plaintiff responds as follows: the Controlled Substances Act (“CSA”) requires distributors of Schedule II substances like opioids to maintain effective controls against diversion of controlled substances and to design and operate a system to identify suspicious orders of controlled substances, halt such unlawful sales, and report them to the appropriate regulatory authorities, including the DEA. Distributors must stop shipment of any suspicious orders and only ship those orders that are not likely to be diverted into illegal channels. Distributor Defendants have a unique insight into the ordering patterns and activities of their dispensing customers and Defendants’ active and knowing concealment of the true nature of their conduct puts Plaintiff at a significant disadvantage in identifying and calculating the impact of the suspicious orders that Defendants shipped into Plaintiffs’ Community. Additionally, Plaintiff directs Defendants to its production of ARCOS data and corresponding suspicious order analysis for the City of Huntington and Cabell County.

#### **Interrogatory 8**

Identify each pharmacy, doctor, healthcare provider, or other drug retailer that diverted or wrongfully dispensed Prescription Opioids that You contend caused You injury.

#### **Response 8**

Plaintiff objects that this Interrogatory is unduly burdensome to the extent it requests Plaintiff to identify each such pharmacy, doctor, healthcare provider, or other drug retailer. Plaintiff objects to this Interrogatory to the extent that it calls for disclosure of Privileged Information. Plaintiff further objects to this request to the extent it calls for information in the Distributors’ possession or control, or just as available to Distributors from third-party sources as

it may be available to Plaintiff, and thus places an undue burden on Plaintiff to gather. Further objecting, the Interrogatory contains a reference to undefined terms, namely, “wrongfully dispensed.” Plaintiff’s investigation of the wrongful conduct of Defendants including the identification of wrongful diversion of prescription opioids within Plaintiff’s Community will be the subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with this case’s Case Management Orders the Federal Rules of Civil Procedure. Plaintiff reserves the right to supplement, amend or modify this response as discovery proceeds. Subject to and without waiving all objections, Plaintiff identifies the following:

- Safescript Pharmacy #6 (DEA# BS8246349) formerly located at 335 Fourth Avenue in Huntington, Cabell County, West Virginia
- Anita T. Dawson, DO (CSL# OD0926, WV MD license #918, IMS ID #679852) formerly practicing medicine at 1798 Midland Trail, Milton, Cabell County, West Virginia.
- Ronald Brownfield (WV MD license #1045, IMS ID #859776) formerly practicing medicine at 401 Camden Rd, Huntington, Cabell County, West Virginia.
- Deleno Webb (WV MD license #9413, WV CS Dispensing License #550, IMS ID #204271) formerly practicing medicine at 220 13th St, Huntington, Cabell County, West Virginia.

Plaintiff also incorporates by reference the allegations in its Joint Third Amended Complaint, Dkt. No. 2595 (“TAC”) including all allegations relating to the conduct of the National Pharmacy Defendants as distributors and dispensers. Plaintiff will continue to conduct a reasonable and diligent search for and, if such information is in Plaintiff’s possession, custody, or control,

will identify such entities in addition to the Defendants identified in the Joint Third Amended Complaint, Dkt. No. 2595 (“TAC”).

**Interrogatory 9**

Identify each investigation, arrest, or prosecution within Your geographical boundaries for each year of the Timeframe that involved Prescription Opioids and/or other opioids, and for each, describe the end result of the investigation, arrest, or prosecution, the connection, if any, to any defendant in this litigation, and the data sources used to track this information.

**Response 9**

Plaintiff objects that this Interrogatory is overly broad and unduly burdensome to the extent that it seeks information beyond Plaintiff’s possession, custody, and control. Plaintiff also objects to the extent this Interrogatory calls for disclosure of Privileged Information. Subject to and without waiving all objections, Plaintiff will conduct a reasonable and diligent search for and, if such information is in Plaintiff’s possession, custody, or control, will supplement this answer with non-privileged information and/or documents responsive to this Interrogatory.

**Interrogatory 10**

Identify Your efforts during each year of the Timeframe to address “hazards to public health and safety” that You attribute to the wrongful conduct of Distributor Defendants. See TAC ¶ 29. Include as part of Your response the amount of taxpayer dollars You expended to fund these efforts and, where the activity was funded in whole or in part from another source, the identity of that source and the amounts provided.

**Response 10**

The Mayor’s Office of Drug Control Policy (ODCP) was established by Mayor Steve Williams in November 2014 in response to the opioid epidemic that has affected Huntington, West

Virginia. Among its goals was to combat opioid addiction in Huntington and surrounding areas by creating a holistic approach involving prevention, treatment, and law enforcement. Original members were first responders (retired police chief, crime analyst and fire chief). It involved individuals on the frontlines (first responders, emergency room staff, health department, etc.) to analyze the problem and develop strategies.

The City began keeping real time data and educating key stakeholders within the community. When pills were not as readily available for various reasons, including crackdowns on pill mills in the area, surrounding states, and Florida, those suffering from addiction turned to heroin. There are several complications of IV heroin drug use including overdose, spread of blood borne pathogens such as Hepatitis B, Hepatitis C, HIV, simple and complex infections, Endocarditis, Organ transplants and Neonatal Abstinence Syndrome. The Mayor's Office of Drug Control Policy issued strategic plans for addressing the opioid crisis in 2015 and 2017.<sup>2</sup> One of the numerous initiatives the Mayor's Office of Drug Control Policy helped create was a harm reduction program in the City, including a syringe exchange program at the Cabell Huntington Health Department. This program also provides screening tests for HIV and hepatitis, peer recovery coaches, education, such as naloxone training, health services, including primary care and chronic disease management, and referrals to treatment programs and support services. The ODCP has also played a crucial role in facilitating the collaboration of addiction services in the City and incorporating faith-based organizations into the effort as well.

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<sup>2</sup> Mayor's Office of Drug Control Policy, "Strategic Plan," City of Huntington, WV, August 2015; Mayor's Office of Drug Control Policy, "Two-Year Strategic Plan for Addressing the Opioid Crisis in the City of Huntington/Cabell and Wayne Counties, West Virginia," City of Huntington, WV, 2017, <http://www.cityofhuntington.com/city-government/mayors-office-of-drug-control-policy>.

The Police and Fire Departments in the City have been at the forefront in addressing the opioid public health crisis. These departments and their current personnel have been challenged to continue responding to drug overdoses as the number of overdoses increased dramatically over the years. One out of every four calls to the Huntington Fire Department involves an overdose. Furthermore, the Huntington Fire Department responded to 3,500 calls in 2015, 4,500 calls in 2016, and was on track to respond to more than 5,500 calls in 2017. Huntington Fire Chief, Jan Rader, estimates that Huntington averages 5-7 overdoses a day. In 2016 Huntington had 1,476 overdoses, which was 10 times the national average, including a single day in August with 26 overdoses. This increase has negatively impacted the police and fire departments as their efforts have been diverted from other calls to address the overdoses. Furthermore, compassion fatigue and burnout impacts recruitment and retention for the Huntington Fire Department.

The volume and frequency of overdose calls can cause first responders to feel depleted of sympathy and doubtful in their ability to make a difference. In addition to focusing on the community's rising number of persons addicted to opioids, the opioid crisis required a new system for first responders to ensure those saving lives and administering lifesaving assistance could maintain their ability to do so. The City of Huntington created a website (<https://compasshuntington.com/>) along with a phone app. As described in the website, the program, a self-care model for First responders, allows Huntington to fortify a sustainable frontline to the growing horrors of the opioid epidemic.

The Mayor's Office of Drug Control Policy also facilitated Community Partnerships to help with the public health crisis including:

- Other first responder agencies
- Hospitals, Medical Schools, Medical Facilities



- Faith Community
- Heath Department
- Mental Health Facilities
- Recovery Centers
- Local Schools (prevention efforts)
- Local Business Leaders
- Community Groups

As a result of these community partnerships responding to the rapidly increasing number of overdoses and public health crisis, the City of Huntington implemented a Quick Response Team. Partnered with Cabell County EMS, the Huntington Police Department, Recovery Point, Huntington Comprehensive Treatment Center, and Prestera Center, the QRT consists of one EMS personnel (paramedic), one law enforcement officer, and one recovery coach /clinician. With the goal of reducing the number of overdoses and increasing the number of individuals engaged in post-overdose treatment, the team initiates contact with and provides treatment options and resources to individuals who have overdosed within a 24-72 hour period.

Additionally, in response to the public health crisis, the ODCP set their vision on decreasing the demand for drugs and healing the addiction as they realized that it was a major public health problem that impacted society on multiple levels. It called for the community to unite to decrease the demand and heal the addiction, which would require dynamic strategies and tactics to lead addicts to recovery. The City implemented the Law Enforcement Assisted Diversion (LEAD) program through the Huntingtin Police Department with the purpose of decreasing recidivism and conserving resources. The program operates by having a mental health

professional visit people that law enforcement believes should be diverted because of a substance use disorder or mental health problem. Community partnerships also lead to harm reduction programs, drug court expansions, and prevention programs. The City facilitates and participates in many programs and organizations aimed at fighting the opioid epidemic, including but not limited to, Healthy Connections, Project Hope for Women and Children, Project Engage, PROACT, Great Rivers Regional System for Addiction Care, Faith Community United, Drug Court, Cabell County Substance Abuse Prevention Partnership (CCSAPP), Peer Recovery, Maternal Addiction Recovery Center (MARC), Maternal Opioid Medical Support (MOMS) Program, Lily's Place, First Steps, GRo Huntington, Celebrate Recovery, Loved Ones Group, Grief Recovery After Substance Passing (GRASP), and 12-Step Recovery.

The ODCP also promoted the development and expansion of services for the community by collaborating with healthcare facilities to provide a new all-encompassing treatment program that would be an intensive outpatient recovery program, provide MAT for individuals who meet the criteria and provide in home intensive therapy based on a nursing home health model for those who meet the criteria.

Over the years, the City applied for several grants to assist them in combatting the opioid epidemic including funding for programs for overdose outreach projects, community based programs to address the opioid crisis, drug court and reentry programs, and funding to address compassion fatigue in first responders. The City received 2 grants for over \$1m for a 3 year program, beginning in December 2017. The City also received a Bloomberg Mayor's Challenge Grant that focused on first responder compassion fatigue and burnout.

Plaintiff will continue to conduct a reasonable and diligent search for and, if such information is in Plaintiff's possession, custody, or control, will produce documents that identify

Plaintiff's efforts and programs to address the opioid epidemic. Plaintiff reserves the right to supplement or modify its response as discovery continues.

**Interrogatory 11**

Identify all efforts You have made to recover expenditures related to Prescription Opioid addiction, misuse, abuse, or overdose from any Person, including (without limitation) insurers, government entities, manufacturers, pharmacists, pharmacies, doctors, dentists, nurses, clinics, drug dealers, drug traffickers, or drug trafficking organizations. For each effort, identify the amount of expenditures, if any, that You recovered.

**Response 11**

Plaintiff objects to this Interrogatory as vague and ambiguous because the terms “drug dealers,” “drug traffickers,” and “drug trafficking organizations” are undefined and capable of varying interpretations and unduly burdensome to the extent it requests identification of “all” efforts. Plaintiff further objects to this Interrogatory to the extent that it seeks information that is Privileged Information and protected from disclosure by the attorney-client privilege, work-product doctrine, public interest privilege, investigatory privilege, law enforcement privilege, and relevant West Virginia law. Subject to and without waiving its objections, Plaintiff responds as follows:

Plaintiff filed the instant lawsuit in an effort to recover its expenditures relating to the opioid crisis in its community. Plaintiff also filed suit against those defendants named in *City of Huntington, West Virginia v. Express Scripts Holding Company*, 1:18-op-45984, currently pending in the Northern District of Ohio, and is a party to *City of Charleston et al. v. The Joint Commission et al.* 2:17-CV-04267, filed in the Southern District of West Virginia.

Dated December 3, 2019

Respectfully submitted,

THE CITY OF HUNTINGTON

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### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on December 3, 2019, the foregoing has been served via email only to defense counsel at [xALLDEFENDANTS-MDL2804-Service@arnoldporter.com](mailto:xALLDEFENDANTS-MDL2804-Service@arnoldporter.com), to plaintiffs counsel at [mdl2804discovery@motleyrice.com](mailto:mdl2804discovery@motleyrice.com), and to the following Big 3 Distributors counsel and H. D. Smith:

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